

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: NEUROGRAFIX ('360)
PATENT LITIGATION

MDL No. 13-md-2432-RGS

PROCEDURAL ORDER

April 5, 2013

STEARNS, D.J.

1. This Order shall govern the practice and procedure in those actions transferred to this court by the Judicial Panel on Multidistrict Litigation pursuant to its order of April 1, 2013, entitled *In re: NeuroGrafix ('360) Patent Litigation*, and any tag-along actions transferred by the Panel after that date, and any related actions previously assigned to this court. This court will decide the applicability of this Order to any case filed as a related case, on motion of any party in any such case.

2. The actions subject to this Order are coordinated for pretrial purposes.

3. An MDL master file and docket has been established under Docket No. 1:13-md-2432-RGS. All pleadings and other papers filed in these actions shall bear this docket number and the following caption:

In re: NEUROGRAFIX ('360) PATENT LITIGATION

This Document Relates To:

4. When a pleading or other paper relates to all actions covered by this Order, the words “All Member Actions” shall appear immediately after or below the words “This Document Relates to:” in the caption. Filings related to “All Actions” shall be made in the master docket. When a pleading or other paper relates to fewer than all of such actions, the separate caption and docket number assigned by the Clerk of this court for each individual action to which the pleading relates shall appear immediately after or below the words “This Document Relates to:” in the caption. Filings related to fewer than “All Actions” shall be made in the master docket and each applicable individual action.

5. All pleadings and other papers shall be filed electronically with the Clerk of this court, not the transferor court. The court requests courtesy copies in accordance to its standing order of May 19, 2008. All counsel shall familiarize themselves with this District’s CM/ECF policies and procedures and file an Electronic Case Filing System-Attorney Registration Form available on the Court’s website. In the MDL Case Number field on the ECF Registration Form, counsel shall note both the master MDL case number and the individual Massachusetts case number in which they have an appearance.

6. Counsel who appeared in the transferor district court prior to the transfer need not enter a separate appearance in this court. No parties in any of the transferred

actions shall be required to obtain local counsel in this district and the requirements of Local Rule 83.5.3(b) are waived as to any attorney who filed an appearance in a transferred action and is duly admitted to practice before any United States Court.

7. This Order shall be filed and docketed on the Master Docket and the docket of each of the individual cases consolidated under the Master Docket Number, at present and hereafter.

8. Any orders, other than orders setting deadlines previously entered by this or any transferor district court, shall remain in full force and effect unless modified by this court upon application. All deadlines established prior to transfer of these actions are suspended, other than deadlines imposed by the Federal Rules of Civil Procedure or the Local Rules of this court for responding to motions or other pleadings.

9. The court requests that, within twenty-one (21) days of this Order, both plaintiffs and defendants submit proposed lead counsel to coordinate their respective pretrial proceedings before this court. Lead counsel will be shall be responsible for coordinating and organizing their respective parties in the conduct of this litigation as to all claims and, in particular, shall have the following responsibilities:

- a. To brief and argue motions and file opposing briefs in proceedings initiated by other parties;
- b. To initiate and conduct discovery proceedings;
- c. To act as spokesperson at pretrial conferences;

- d. To negotiate with opposing counsel with respect to settlement and other matters;
- e. To call meetings of counsel when appropriate;
- f. To make all work assignments to counsel to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort;
- g. To assure that all counsel are kept informed of the progress of this litigation as necessary;
- h. To conduct trial and post-trial proceedings;
- i. To consult with and employ experts; and
- j. To perform such other duties and undertake such other responsibilities as it deems necessary or desirable.

SO ORDERED.

/s/ Richard G. Stearns

UNITED STATES DISTRICT JUDGE